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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hiroshi Sugiyama et al.

Application No.: 10/507,004

Confirmation No.: 7674

Filed: September 8, 2004

Art Unit: 1626

For: NOVEL HAIRPIN POLYAMIDE

Examiner: Laura Lynne Stockton

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment

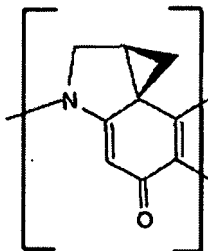
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement dated April 23, 2007, Applicants provisionally elect Species 1 (Compound 16, Figure 5) with traverse.

The Restriction Requirement discusses on page 3-4 that alleged Species I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the hairpin polyamide containing repeating groups does not define a contribution over the prior art, as evidenced by, for example, FIG. 1B-3 of U.S. Patent No. 6,143,901 to Dervan ("Dervan"). However, Applicants believe that the claims possess the same or corresponding special technical features which define a contribution over the prior art, and thus, relate to a single general inventive concept under PCT Rule 13.1, even in view of Dervan, for at least the following reasons.

First, compounds 13, 16, and 23 share a common structural feature which differs significantly from the structure shown in FIG. 1B-3 Dervan. In particular, compounds 13, 16, and 23 each contain the following structural feature, to which the differing substituent groups are attached (see FIGs. 5 and 9 of the present specification):



Second, compounds 13, 16, and 23 are each base-sequence-specific-alkylating agents having an alkylation reaction site via a vinyl linker on the terminal of a pyrrole-imidazole polyamide (see page 3, lines 6-7 of the present specification).

Thus, the same special technical feature for alleged Species I-III, to achieve the same result of base-sequence-specific alkylation, establishes the Unity of Invention for the claims of Species I-III. In other words, the claims reciting Species I-III fulfill the requirement of unity of invention since they all involve the "special technical features" prescribed in PCT Rule 13.2 which are not taught or suggested in the prior art. As a result, all of the claims of Groups I-III should be examined together under PCT Rule 13. Accordingly, withdrawal of the Restriction Requirement based on lack of Unity of Invention is respectfully requested.

It is respectfully submitted that this policy should apply to the present application in order to avoid unnecessary delay and expense to Applicants and the duplicative examination by the Patent Office.

Dated: May 23, 2007

Respectfully submitted,

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